

Working Together For Clean Air

1/11/00

July 7, 2000

Certified Mail No. 7000 0520 0016 0711 4334

Ash Grove Cement Company  
c/o C T Corporation System, Registered Agent  
520 Pike Street  
Seattle, WA 98101

**EXECUTIVE DIRECTOR**

Dennis J. McLerran

**BOARD OF DIRECTORS**

**CITY OF SEATTLE, BOARD CHAIR**

Margaret Pageler

**KING COUNTY EXECUTIVE**

Ron Sims

**KITSAP COUNTY**

Charlotte Garrido, Commissioner

**PIERCE COUNTY EXECUTIVE**

Doug Sutherland

**SNOHOMISH COUNTY COUNCIL**

Dave Somers

**EVERETT**

Edward D. Hansen, Mayor

**BREMERTON**

Lynn S. Horton, Mayor

**TACOMA**

Bill Evans, Councilman

**MEMBER AT LARGE**

Janet Chalupnik

Re: Notice and Order of Civil Penalty No. 9071

Enclosed is Civil Penalty No. 9071 in the amount of \$3,000.00.

Within 30 days of receiving this penalty, you must do one of the following:

1. Pay the penalty;
2. Request mitigation of the penalty; or
3. Appeal the penalty to the Pollution Control Hearings Board.

Information regarding requesting mitigation or appealing the penalty is also enclosed.

Please feel free to contact me at (206) 689-4078 or 1-800-552-3565, ext. 4078 if you have any questions about this matter.

Sincerely,

Neal J. Shulman  
Manager-Inspection

NJS/kes  
Enclosures

Ph 206.343.8800

1.800.552.3565

Fax 206.343.7522

www.pscleanair.org

AGCS2M001341

**PUGET SOUND CLEAN AIR AGENCY**  
a municipal corporation of the state of Washington  
110 Union Street, Suite 500  
Seattle, Washington 98101-2038

VS

**ASH GROVE CEMENT COMPANY**  
c/o C T Corporation System, Registered Agent  
520 Pike Street  
Seattle, Washington 98101

NO. 9071

**NOTICE AND ORDER  
OF CIVIL PENALTY**

You are hereby notified that, pursuant to Chapter 70.94 RCW and Notice of Violation No. 36690, a copy of which has been previously provided to you or your agent, you have violated Condition No. 5(b) of the Order of Approval for Notice of Construction No. 7381 of the Puget Sound Clean Air Agency in the following particulars:

On or about the 15th day of February 2000, at 3801 East Marginal Way South in the city of Seattle, King County, state of Washington, you caused or allowed NOx emissions from the main baghouse which exceeded 501 ppm corrected to 10% oxygen for a 24-hour average, in violation of Section Condition No. 5(b).

As a result of the foregoing violation, a penalty is assessed against you as follows:

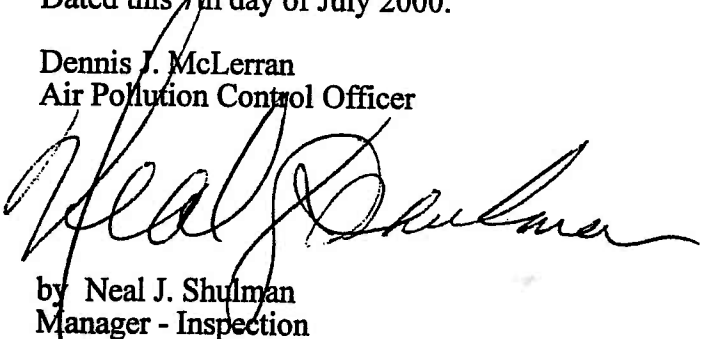
For the violation that occurred on or about the 15th day of February 2000, wherein you caused or allowed NOx emissions over the 24-hour standard, in violation of the Order of Approval for Notice of Construction No. 7381, Condition No. 5(b), of the Puget Sound Clean Air Agency, a penalty is assessed against you in the amount of three thousand dollars (\$3,000.00).

The full amount of this penalty is due and payable within thirty (30) days of receipt of this notice, unless within such time a request for hearing is filed. (See reverse side for both mitigation procedures and appeal procedures.)

In the event the full amount of this penalty is not paid on or before thirty (30) days of receipt of this notice, or a request for mitigation has not been made to this Agency, or a request for hearing has not been made to the Pollution Control Hearings Board of Washington and the Air Pollution Control Officer, action will be commenced in court to recover such penalty.

Dated this 7th day of July 2000.

Dennis J. McLerran  
Air Pollution Control Officer

  
by Neal J. Shulman  
Manager - Inspection

Certified Mail No. 7000 0520 0016 0711 4334

AGCS2M001342



Working Together For Clean Air

Rec'd  
JW  
8/23/00

August 16, 2000

Certified Mail No. 7099 3220 0005 4517 1865

Ash Grove Cement Company  
c/o Henrik Voldback, Plant Manager  
3801 East Marginal Way South  
Seattle, WA 98134

**EXECUTIVE DIRECTOR**

Dennis J. McLerran

**BOARD OF DIRECTORS**

**CITY OF SEATTLE, BOARD CHAIR**

Margaret Pageler

**KING COUNTY EXECUTIVE**

Ron Sims

**KITSAP COUNTY**

Charlotte Garrido, Commissioner

**PIERCE COUNTY EXECUTIVE**

Doug Sutherland

**SNOHOMISH COUNTY COUNCIL**

Dave Somers

**EVERETT**

Edward D. Hansen, Mayor

**BREMERTON**

Lynn S. Horton, Mayor

**TACOMA**

Bill Evans, Councilman

**MEMBER AT LARGE**

Janet Chalupnik

Re: Ash Grove Cement Company  
Notice of Disposition on Application for Relief  
Notice and Order of Civil Penalty No. 9053

Dear Mr. Voldback:

On June 9, 2000, this Agency received your Application for Remission or Mitigation of Notice and Order of Civil Penalty No. 9053. We have reviewed the Application and we find that it did not demonstrate extraordinary circumstances not already considered by the Agency in assessing this Civil Penalty. If you have any questions, or would like to discuss this penalty further, please call me at (206) 689-4078 or 1-800-552-3565, ext. 4078.

If settlement is not reached, in accordance with RCW 43.21B.300 and 70.94.431, thirty (30) days after you receive this letter, the Civil Penalty becomes due and payable in the full amount of \$10,000.00, unless it is appealed to the Pollution Control Hearings Board (PCHB). If you wish to appeal this Civil Penalty, your appeal must be presented to the PCHB, with a copy provided to this Agency, within this thirty (30) day period. Enclosed is an informal guide, published by the PCHB, to inform you of your rights and responsibilities in an appeal.

Sincerely,

Neal J. Shulman  
Manager - Inspection

NJS:ml

Enclosure

cc: Laurie Halvorson, Agency Counsel  
Accounting  
Mario Miller, Supervising Inspector  
Elizabeth Gilpin, Inspector  
Melissa McAfee, Inspector  
Fred Austin, Engineer  
Rosemary Busterna, Compliance Systems Planner

Ph 206.343.8800

1.800.552.3565

Fax 206.343.7522

www.pscleanair.org

AGCS2M001343

PUGET SOUND  
**Clean Air Agency**  
110 Union Street, Suite 500  
Seattle, Washington 98101

Working Together For Clean Air

*ms 5/15/00*

May 12, 2000

Ash Grove Cement Company  
c/o Henrik Voldback, Plant Manager  
3801 E Marginal Way S  
Seattle, WA 98134

Re: Ash Grove Cement Company  
Amended Notice and Order of Civil Penalty No. 9053

EXECUTIVE DIRECTOR

Dennis J. McLerran

BOARD OF DIRECTORS

CITY OF SEATTLE, BOARD CHAIR

Margaret Pageler

KING COUNTY EXECUTIVE

Ron Sims

KITSAP COUNTY

Charlotte Garrido, Commissioner

PIERCE COUNTY EXECUTIVE

Doug Sutherland

SNOHOMISH COUNTY COUNCIL

Dave Somers

EVERETT

Edward D. Hansen, Mayor

BREMERTON

Lynn S. Horton, Mayor

TACOMA

Brian Ebersole, Mayor

MEMBER AT LARGE

Janet Chalupnik

Enclosed is Amended Civil Penalty No. 9053 in the amount of \$10,000.00. The penalty was amended to change the responsible party and mailing address.

Within 30 days of receiving this penalty, you must do one of the following:

- 1) Pay the penalty;
- 2) Request mitigation of the penalty; or
- 3) Appeal the penalty to the Pollution Control Hearings Board.

Information regarding requesting mitigation or appealing the penalty is also enclosed.

Please feel free to contact me at (206) 689-4078 if you have any questions regarding this matter.

Sincerely,

*Neal J. Shulman*  
Neal J. Shulman  
Manager - Inspection

NJS:kes  
Enclosures

Ph 206.343.8800

1.800.552.3565

Fax 206.343.7522

www.pscleanair.org

AGCS2M001344

**PUGET SOUND CLEAN AIR AGENCY**  
a municipal corporation of the state of Washington  
110 Union Street, Suite 500  
Seattle, Washington 98101-2038

VS

**ASH GROVE CEMENT COMPANY**  
c/o Henrik Voldbaek, Plant Manager\*  
3801 East Marginal Way South  
Seattle, Washington 98134

**NO. 9053 \*AMENDED\***

**NOTICE AND ORDER  
OF CIVIL PENALTY**

You are hereby notified that, pursuant to Chapter 70.94 RCW and Notice of Violation No. 36687, a copy of which was previously provided to you or your agent, you caused or allowed violations of Condition Nos. 5(b) and 6(d) the Order of Approval for Notice of Construction No. 7381 of the Puget Sound Clean Air Agency. The violations occurred on or about November 25 and 26, 1999, at 3801 East Marginal Way South, in the city of Seattle, King County, state of Washington. The violations are as follows:

November 25, 1999

On or about November 25, 1999, you caused or allowed NOx emissions from the main baghouse during normal operations in excess of 700 ppm for a one-hour average and 501 ppm for a 24-hour average, in violation of Condition No. 5(b); and NOx emissions from the main baghouse during startup in excess of 1000 ppm for a one-hour average, in violation of Condition No. 6(d).

November 26, 1999

On or about November 26, 1999, you caused or allowed NOx emissions from the main baghouse during normal operations in excess of 700 ppm for a one-hour average and 501 ppm for a 24-hour average, in violation of Condition No. 5(b).

As a result of the foregoing violations, a penalty is assessed against you as follows:

For the violations that occurred on or about:

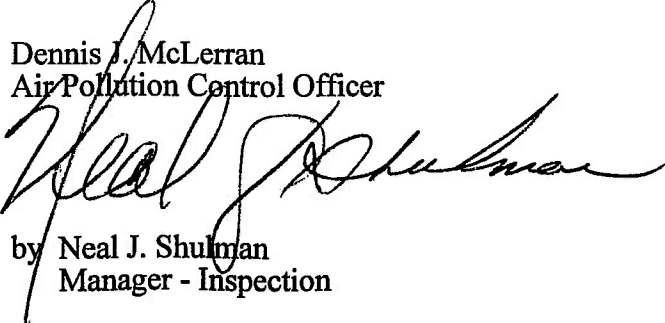
November 25, 1999	\$ 6,000.00
November 26, 1999	4,000.00
Total penalty	<b>\$10,000.00</b>

The full amount of this penalty is due and payable within thirty (30) days of receipt of this notice, unless within such time a request for hearing is filed. (See reverse side for both mitigation procedures and appeal procedures.)

In the event the full amount of this penalty is not paid on or before thirty (30) days of receipt of this notice, or a request for mitigation has not been made to this Agency, or a request for hearing has not been made to the Pollution Control Hearings Board of Washington and the Air Pollution Control Officer, action will be commenced in court to recover such penalty.

Dated this 12th day of May 2000.

Dennis J. McLerran  
Air Pollution Control Officer

  
by Neal J. Shulman  
Manager - Inspection

Certified Mail No. Z 116 155 825

AGCS2M001345





Working Together For Clean Air

Rec  
8/23/00

August 18, 2000

Certified Mail No. 7099 3220 0005 4517 1353

Ash Grove Cement Company  
c/o Henrik Voldbaek, Plant Manager  
3801 East Marginal Way South  
Seattle, WA 98134

EXECUTIVE DIRECTOR  
Dennis J. McLerran

BOARD OF DIRECTORS  
CITY OF SEATTLE, BOARD CHAIR  
Margaret Pageler

KING COUNTY EXECUTIVE  
Ron Sims

KITSAP COUNTY  
Charlotte Garrido, Commissioner

PIERCE COUNTY EXECUTIVE  
Doug Sutherland

SNOHOMISH COUNTY COUNCIL  
Dave Somers

EVERETT  
Edward D. Hansen, Mayor

BREMERTON  
Lynn S. Horton, Mayor

TACOMA  
Bill Evans, Councilman

MEMBER AT LARGE  
Janet Chalupnik

Re: Notice and Order of Civil Penalty No. 9079

Enclosed is Civil Penalty No. 9079 in the amount of \$45,000.00.

Within 30 days of receiving this penalty, you must do one of the following:

1. Pay the penalty;
2. Request mitigation of the penalty; or
3. Appeal the penalty to the Pollution Control Hearings Board.

Information regarding requesting mitigation or appealing the penalty is also enclosed.

Please feel free to contact me at (206) 689-4078 or 1-800-552-3565, ext. 4078 if you have any questions about this matter.

Sincerely,

Neal J. Shulman  
Manager-Inspection

NJS/kes  
Enclosures

Ph 206.343.8800

1.800.552.3565

Fax 206.343.7522

www.pscleanair.org

AGCS2M001346

**PUGET SOUND CLEAN AIR AGENCY**  
a municipal corporation of the state of Washington  
110 Union Street, Suite 500  
Seattle, Washington 98101-2038

VS

**ASH GROVE CEMENT COMPANY**  
c/o Henrik Voldbaek, Plant Manager  
3801 East Marginal Way South  
Seattle, Washington 98134

**NO. 9079**

**NOTICE AND ORDER  
OF CIVIL PENALTY**

You are hereby notified that, pursuant to Chapter 70.94 RCW and Notice of Violation No. 36735, a copy of which has been previously provided to you or your agent, you have violated the Order of Approval for Notice of Construction No. 7381, Condition No. 5, of the Puget Sound Clean Air Agency in the following particulars:

On or about April 1-3, 7, 8, 11, 12, 15-18, 23-25 and 30, 2000, at 3801 East Marginal Way South in the city of Seattle, King County, state of Washington, you caused or allowed emission of NOx from the main stack in excess of 501 ppm corrected to 10% O2 for a 24-hour average in violation of Condition No. 5.

As a result of the foregoing violations, a penalty is assessed against you as follows:

For the violations that occurred during April 2000, wherein you caused or allowed excess NOx emissions in violation of Order of Approval for Notice of Construction No. 7381, Condition No. 5 of the Puget Sound Clean Air Agency, a penalty is assessed against you in the amount of \$1,500.00 for each day of violation, for a total of forty five thousand dollars (\$45,000.00).

The full amount of this penalty is due and payable within thirty (30) days of receipt of this notice, unless within such time a request for hearing is filed. (See reverse side for both mitigation procedures and appeal procedures.)

In the event the full amount of this penalty is not paid on or before thirty (30) days of receipt of this notice, or a request for mitigation has not been made to this Agency, or a request for hearing has not been made to the Pollution Control Hearings Board of Washington and the Air Pollution Control Officer, action will be commenced in court to recover such penalty.

Dated this 18th day of August 2000.

Dennis J. McLerran  
Air Pollution Control Officer



by Neal J. Shulman  
Manager - Inspection

Certified Mail No. 7099 3220 0005 4517 1353

AGCS2M001347

# PUGET SOUND AIR POLLUTION CONTROL AGENCY

110 Union Street, Suite 500, Seattle, Washington 98101-2038  
206-343-8800 / 1-800-552-3565 / Fax 206-343-7522

Registration No. 11339

No. 36735

Cert. Mail No. 7000 0520 0016 0711 2415

## NOTICE OF VIOLATION

Date of Violation: April, 19 2000 at \_\_\_\_\_ m.

Name <u>Ash Grove Cement Co.</u>	Responsible Person, Title <u>Henrik Voldbaek Manager</u>		
Location of Violation (Address) <u>3801 E. Marginal Way So.</u>	City <u>Seattle</u>	Zip <u>98134</u>	County <u>King</u>
Mailing Address <u>As Above</u>	City, State <u>Seattle, WA.</u>	Zip <u>98134</u>	Phone <u>(206) 623-5596</u>

### DID UNLAWFULLY CAUSE OR ALLOW VIOLATION OF:

#### REGULATION \_\_\_\_\_ OF THE PUGET SOUND AIR POLLUTION CONTROL AGENCY FOR:

- ☐ Section 5.05(e) Failure to develop and implement an operation and maintenance plan.
- ☐ Section 6.03(a) Failure to obtain Notice of Construction approval prior to construction/installation/establishment of a source.
- ☐ Section 9.03(a) Visible emissions in excess of 20% opacity for periods aggregating more than 3 minutes/hour.
- ☐ Section 9.11(a) Emission of air contaminant in quantities/characteristics/duration so as to be injurious or interfere with enjoyment of life/property.
- ☐ Section 9.12(b) Emission of odor-bearing air contaminants without use of best available control technology.
- ☐ Section 9.15(a) Emission of fugitive dust without use of best available control technology.
- ☐ Section 9.15(b) Deposition of mud, dirt, or debris from vehicle or load onto a paved public roadway.
- ☐ Section 9.15(c) Emission of fugitive dust from manufacturing process equipment or control apparatus.
- ☐ Section 9.16 Failure to apply VOC-containing material using spray equipment in an enclosed area with filtered exhaust and vertical stack.
- ☐ Section 9.20 Failure to operate and maintain equipment in good working order.
- ☒ Failure to meet Order of Approval No. 7381, Condition No. 5(b)
- ☐ Section Emissions of NOx from the main stack shall not exceed  
501 ppm corrected to 10% O2 for a 24 hr Average.
- ☐ Section \_\_\_\_\_

FACTS ALLEGED TO CONSTITUTE A VIOLATION Causing or allowing NOx emissions from the  
Main Stack in excess of the 24 hr Standard on 4/1/00 - 4/3/00, 4/07/00 - 4/08/00, 4/11 - 12,  
4/15 - 4/18, 4/23 - 4/25, and 4/30/00.

### CORRECTIVE ACTION ORDER

Under the provisions of Section 3.09 of Regulation I and RCW 70.94.211 you are ordered to **submit a written report within ten (10) days of receipt of this Notice** describing the necessary corrective action you have taken or propose to take, including a schedule, to achieve continuous compliance with the regulations, **and** take the following necessary corrective action:

Report the daily Supplemental Significance Threshold for each day of violation  
in the month of March 2000 and the month of April 2000 pursuant to  
EPA's High Priority Violation CEM policy within 30 days of your receipt  
of this notice

Issued By: [Signature]

Air Pollution Inspector

6-21-00

Date/Time

Received By: \_\_\_\_\_

AGCS2M001348



# PUGET SOUND AIR POLLUTION CONTROL AGENCY

110 Union Street, Suite 500, Seattle, Washington 98101-2038  
206-343-8800 / 1-800-552-3565 / Fax 206-343-7522

Registration No. 11339

Cert. Mail No. 7000-0520-0016

No. **36734**

## NOTICE OF VIOLATION

Date of Violation: 0710-5295 March, 19 2000 at \_\_\_\_\_ .m.

Name  <div style="font-size: 1.2em;">Ash Grove Cement Co.</div>		Responsible Person, Title  <div style="font-size: 1.2em;">Henrik Voldbaek Mgr.</div>	
Location of Violation (Address)  <div style="font-size: 1.2em;">3801 E Marginal Wy 50.</div>		City  <div style="font-size: 1.2em;">Seattle</div>	Zip  <div style="font-size: 1.2em;">98134</div>
Mailing Address  <div style="font-size: 1.2em;">AS Above</div>		City, State  <div style="font-size: 1.2em;">Seattle, WA.</div>	Phone  <div style="font-size: 1.2em;">(206) 623-5596</div>

### DID UNLAWFULLY CAUSE OR ALLOW VIOLATION OF:

REGULATION \_\_\_\_\_ OF THE PUGET SOUND AIR POLLUTION CONTROL AGENCY FOR:

- ☐ Section 5.05(e) Failure to develop and implement an operation and maintenance plan.
- ☐ Section 6.03(a) Failure to obtain Notice of Construction approval prior to construction/installation/establishment of a source.
- ☐ Section 9.03(a) Visible emissions in excess of 20% opacity for periods aggregating more than 3 minutes/hour.
- ☐ Section 9.11(a) Emission of air contaminant in quantities/characteristics/duration so as to be injurious or interfere with enjoyment of life/property.
- ☐ Section 9.12(b) Emission of odor-bearing air contaminants without use of best available control technology.
- ☐ Section 9.15(a) Emission of fugitive dust without use of best available control technology.
- ☐ Section 9.15(b) Deposition of mud, dirt, or debris from vehicle or load onto a paved public roadway.
- ☐ Section 9.15(c) Emission of fugitive dust from manufacturing process equipment or control apparatus.
- ☐ Section 9.16 Failure to apply VOC-containing material using spray equipment in an enclosed area with filtered exhaust and vertical stack.
- ☐ Section 9.20 Failure to operate and maintain equipment in good working order.
- ☒ Failure to meet Order of Approval No. 7381, Condition No. 5(6)

☐ Section Emissions of NOx from the main stack shall not exceed 700 ppm corrected to 10% O2 for a 1 hr. Ave

☐ Section Emissions of NOx from the main stack shall not exceed 501 ppm corrected to 10% O2 for a 24 hr. Ave.

FACTS ALLEGED TO CONSTITUTE A VIOLATION Causing or Allowing NOx emissions in excess of the 24 hr. standard on 3/19/00, 3/20/00, 3/25/00, and 3/28/00.

### CORRECTIVE ACTION ORDER

Under the provisions of Section 3.09 of Regulation I and RCW 70.94.211 you are ordered to **submit a written report within ten (10) days of receipt of this Notice** describing the necessary corrective action you have taken or propose to take, including a schedule, to achieve continuous compliance with the regulations, **and** take the following necessary corrective action:

Please Submit a Written Report within 30 days of your receipt of this notice demonstrating compliance with the NOx Supplemental Significa threshold of 9 lb./hr of NOx (Table 1 Enclosed) for the dates specified in this NOV

Issued By: [Signature]  
Air Pollution Inspector  
Form No. 70-119 (Revised 12/95 cbc)

5.24.00  
Date/Time [Signature]

Received By: \_\_\_\_\_  
AGCS2M001349  
Signing this Notice is not an admission of guilt

# PUGET SOUND AIR POLLUTION CONTROL AGENCY

110 Union Street, Suite 500, Seattle, Washington 98101-2038  
206-343-8800 / 1-800-552-3565 / Fax 206-343-7522

Registration No. 11339

No. **36690**

Mail No. 2411546716

## NOTICE OF VIOLATION

Date of Violation: 02/15 192000 at \_\_\_\_\_ m.

Name  Ash Grove Cement Co.		Responsible Person, Title  Henrik Voldback, Mgr	
Location of Violation (Address)  3801 E Marginal Way So.	City  Seattle	Zip  98134	County  King
Mailing Address  As Above	City, State  Seattle, WA	Zip  98134-1113	Phone  206 623-5596

### DID UNLAWFULLY CAUSE OR ALLOW VIOLATION OF:

REGULATION \_\_\_\_\_ OF THE PUGET SOUND AIR POLLUTION CONTROL AGENCY FOR:

- ☐ Section 5.05(e) Failure to develop and implement an operation and maintenance plan.
- ☐ Section 6.03(a) Failure to obtain Notice of Construction approval prior to construction/installation/establishment of a source.
- ☒ Section 9.03(a) Visible emissions in excess of 20% opacity for periods aggregating more than 3 minutes/hour.
- ☐ Section 9.11(a) Emission of air contaminant in quantities/characteristics/duration so as to be injurious or interfere with enjoyment of life/property.
- ☐ Section 9.12(b) Emission of odor-bearing air contaminants without use of best available control technology.
- ☐ Section 9.15(a) Emission of fugitive dust without use of best available control technology.
- ☐ Section 9.15(b) Deposition of mud, dirt, or debris from vehicle or load onto a paved public roadway.
- ☐ Section 9.15(c) Emission of fugitive dust from manufacturing process equipment or control apparatus.
- ☐ Section 9.16 Failure to apply VOC-containing material using spray equipment in an enclosed area with filtered exhaust and vertical stack.
- ☐ Section 9.20 Failure to operate and maintain equipment in good working order.
- ☒ Failure to meet Order of Approval No. 7381 Condition No. 5(b)

☒ Section Emissions from the main baghouse shall not exceed 501 ppm NOx  
corrected to 10% O<sub>2</sub> for a 24 hr. Average

FACTS ALLEGED TO CONSTITUTE A VIOLATION Causing or Allowing the Emission of  
NOx in excess of the 501 ppm 24 hr. Standard on 02/15/00.

### CORRECTIVE ACTION ORDER

Under the provisions of Section 3.09 of Regulation I and RCW 70.94.211 you are ordered to submit a written report within ten (10) days of receipt of  
this Notice describing the necessary corrective action you have taken or propose to take, including a schedule, to achieve continuous compliance with the  
regulations, and take the following necessary corrective action:

Issued By: [Signature]

Air Pollution Inspector

Date/Time 4-11-00  
11:11

Received By: \_\_\_\_\_

Signing this Notice is not an admission of guilt

AGCS2M001350

# PUGET SOUND AIR POLLUTION CONTROL AGENCY

110 Union Street, Suite 500, Seattle, Washington 98101-2038  
206-343-8800 / 1-800-552-3565 / Fax 206-343-7522

Registration No. 11339

No. **36727**

Mail No. 2580038889

## NOTICE OF VIOLATION

Date of Violation: March 19 99

See below for  
Specific Dates

Name <u>Ash Grove Cement Co.</u>		Responsible Person, Title <u>Henrik Voldbaek Manager</u>	
Location of Violation (Address) <u>3801 E Marginal Way So.</u>	City <u>Seattle</u>	Zip <u>98134</u>	County <u>King</u>
Mailing Address <u>As Above</u>	City, State <u>Seattle, WA</u>	Zip <u>98134</u>	Phone <u>206 623 - 5596</u>

### DID UNLAWFULLY CAUSE OR ALLOW VIOLATION OF:

#### REGULATION \_\_\_\_\_ OF THE PUGET SOUND AIR POLLUTION CONTROL AGENCY FOR:

- ☐ Section 5.05(e) Failure to develop and implement an operation and maintenance plan.
- ☐ Section 6.03(a) Failure to obtain Notice of Construction approval prior to construction/installation/establishment of a source.
- ☒ Section 9.03(a) Visible emissions in excess of 20% opacity for periods aggregating more than 3 minutes/hour.
- ☐ Section 9.11(a) Emission of air contaminant in quantities/characteristics/duration so as to be injurious or interfere with enjoyment of life/property.
- ☐ Section 9.12(b) Emission of odor-bearing air contaminants without use of best available control technology.
- ☐ Section 9.15(a) Emission of fugitive dust without use of best available control technology.
- ☐ Section 9.15(b) Deposition of mud, dirt, or debris from vehicle or load onto a paved public roadway.
- ☐ Section 9.15(c) Emission of fugitive dust from manufacturing process equipment or control apparatus.
- ☐ Section 9.16 Failure to apply VOC-containing material using spray equipment in an enclosed area with filtered exhaust and vertical stack.
- ☐ Section 9.20 Failure to operate and maintain equipment in good working order.
- ☒ Failure to meet Order of Approval No. 7381, Condition No. 5(b)

☐ Section Main stack emissions of NOx not to exceed 700 ppm corrected to 10% O<sub>2</sub> 1 hr Ave

☐ Section Main stack emissions not to exceed 501 ppm corrected to 10% O<sub>2</sub> NOx 24 hr Ave

FACTS ALLEGED TO CONSTITUTE A VIOLATION The following dates for NOx  
Violations were reported in your March 1999 CEM report  
3/3/99, 3/4/99, 3/5/99, 3/6/99, 3/8/99, 3/12/99

### CORRECTIVE ACTION ORDER

Under the provisions of Section 3.09 of Regulation I and RCW 70.94.211 you are ordered to **submit a written report within ten (10) days of receipt of this Notice** describing the necessary corrective action you have taken or propose to take, including a schedule, to achieve continuous compliance with the regulations, **and** take the following necessary corrective action:

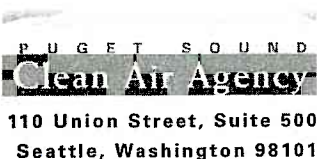
Issued By: Elizabeth Gibb Air Pollution Inspector

5-28-99  
Date/Time

Received By: \_\_\_\_\_

AGCS2M001351

Signing this Notice is not an admission of guilt



Working Together For Clean Air

July 30, 2001

Ash Grove Cement Company  
c/o Henrik Voldbaek, Plant Manager  
3801 East Marginal Way South  
Seattle, WA 98134

Re: Ash Grove Cement Company  
Civil Penalty # 9071  
Notice and Order of Cancellation of Civil Penalty

**EXECUTIVE DIRECTOR**

Dennis J. McLerran

**BOARD OF DIRECTORS**

**SNOHOMISH COUNTY COUNCIL, CHAIR**

Dave Somers

**SEATTLE**

Paul Schell, Mayor

**KING COUNTY EXECUTIVE**

Ron Sims

**KITSAP COUNTY COMMISSIONER**

Jan Angel

**PIERCE COUNTY EXECUTIVE**

John Ladenburg

**EVERETT**

Edward D. Hansen, Mayor

**BREMERTON**

Lynn S. Horton, Mayor

**TACOMA**

Bill Evans, Councilman

**MEMBER AT LARGE**

Janet Chalupnik

Enclosed is a Notice and Order of Cancellation of Civil Penalty in regards to Civil Penalty No. 9071, in the amount of \$3,000.00, which was issued on July 7, 2000. The penalty has been cancelled as a result of the reapproval and amendment of Order of Approval No. 7381, wherein a new 24-hour standard, 650 ppm, was established.

Please feel free to contact me at (206) 689-4023, or 1-800-552-3565, ext. 4023 if you have any questions about this matter.

Sincerely,

Mario Miller  
Supervising Inspector

cmb  
Enclosures

Ph 206.343.8800

1.800.552.3565

Fax 206.343.7522

www.pscleanair.org

AGCS2M001352



**PUGET SOUND CLEAN AIR AGENCY**

a municipal corporation of the state of Washington

110 Union Street, Suite 500

Seattle, Washington 98101-2038

VS

**ASH GROVE CEMENT COMPANY**

c/o Henrik Voldbaek, Plant Manager

3801 East Marginal Way South

Seattle, Washington 98134


**NO. 9071**

**NOTICE AND ORDER  
OF CANCELLATION OF  
CIVIL PENALTY**

You are hereby notified that Notice and Order of Civil Penalty No. 9071, which was issued by Certified Mail No. 7000 0520 0016 0711 4334, and was dated July 7, 2000, is cancelled.

Dated this 30th day of July 2001.

Dennis J. McLerran  
Air Pollution Control Officer

  
by Mario Miller  
Supervising Inspector





Working Together For Clean Air

September 7, 2001

*Rec'd  
HW 9/7/01*

Ash Grove Cement Company  
c/o Henrik Voldbaek, Plant Manager  
3801 East Marginal Way South  
Seattle, WA 98134

**EXECUTIVE DIRECTOR**

Dennis J. McLerran

**BOARD OF DIRECTORS**

**SNOHOMISH COUNTY COUNCIL, CHAIR**

Dave Somers

**SEATTLE**

Paul Schell, Mayor

**KING COUNTY EXECUTIVE**

Ron Sims

**KITSAP COUNTY COMMISSIONER**

Jan Angel

**PIERCE COUNTY EXECUTIVE**

John Ladenburg

**EVERETT**

Edward D. Hansen, Mayor

**BREMERTON**

Lynn S. Horton, Mayor

**TACOMA**

Bill Evans, Councilman

**MEMBER AT LARGE**

Janet Chalupnik

Re: Ash Grove Cement Company  
Notice and Order of Civil Penalty Nos. 9053 (amended) and 9079 (amended)

Dear Mr. Voldbaek:

This Agency wishes to acknowledge and thank you for check #92674. The funds (\$12,000.00) from this check, when deposited to the Agency, are accepted in full payment of Notice and Order of Civil Penalty Nos. 9053 (amended) and 9079 (amended).

Thank you for your action to ensure compliance with Agency regulations and in joining with this Agency in efforts to achieve cleaner air.

Sincerely,

*Mario Miller*

Mario Miller  
Supervising Inspector

MAM/kl

cc: Laurie Halvorson, Agency Counsel  
Accounting  
Elizabeth Gilpin, Inspector  
Melissa McAfee, Inspector

Ph 206.343.8800

1.800.552.3565

Fax 206.343.7522

www.pscleanair.org

AGCS2M001354



110 Union Street, Suite 500  
Seattle, Washington 98101

Working Together For Clean Air

July 30, 2001

Ash Grove Cement West, Inc.  
c/o Henrik Voldbaek, Plant Manager  
3801 East Marginal Way South  
Seattle, WA 98134

**EXECUTIVE DIRECTOR**

Dennis J. McLerran

**BOARD OF DIRECTORS**

**SNOHOMISH COUNTY COUNCIL, CHAIR**

Dave Somers

**SEATTLE**

Paul Schell, Mayor

**KING COUNTY EXECUTIVE**

Ron Sims

**KITSAP COUNTY COMMISSIONER**

Jan Angel

**PIERCE COUNTY EXECUTIVE**

John Ladenburg

**EVERETT**

Edward D. Hansen, Mayor

**BREMERTON**

Lynn S. Horton, Mayor

**TACOMA**

Bill Evans, Councilman

**MEMBER AT LARGE**

Janet Chalupnik

Re: Ash Grove Cement West, Inc.  
Notice and Order of Civil Penalty No. 9053 (amended)

Enclosed is Civil Penalty No. 9053 (amended) in the amount of \$6,000.00. This Civil Penalty was originally issued on May 5, 2000 in the amount of \$10,000.00. The amount owing has been reduced as a result of the reapproval and amendment of Order of Approval No. 7381, wherein a new 24-hour standard, 650 ppm, was established.

Within 30 days of receiving this penalty, you must do one of the following:

- 1) Pay the penalty;
- 2) Request mitigation of the penalty; or
- 3) Appeal the penalty to the Pollution Control Hearings Board.

Information regarding requesting mitigation or appealing the penalty is also enclosed.

Please feel free to contact me at (206) 689-4023 if you have any questions regarding this matter.

Sincerely,

Mario Miller  
Supervising Inspector

MAM/cmb  
Enclosures

Ph 206.343.8800

1.800.552.3565

Fax 206.343.7522

www.pscleanair.org

AGCS2M001355

**PUGET SOUND CLEAN AIR AGENCY**  
a municipal corporation of the state of Washington  
110 Union Street, Suite 500  
Seattle, Washington 98101-2038

VS

**ASH GROVE CEMENT WEST, INC.**  
c/oHenrik Voldbaek, Plant Manager  
3801 East Marginal Way South  
Seattle, Washington 98134

**NO. 9053 (amended)**

**NOTICE AND ORDER  
OF CIVIL PENALTY**

You are hereby notified that, pursuant to Chapter 70.94 RCW and Notice of Violation No. 36687, a copy of which was previously provided to you or your agent, you caused or allowed violations of Condition Nos. 5(b) and 6(d) the Order of Approval for Notice of Construction No. 7381 of the Puget Sound Clean Air Agency. The violations occurred on or about November 25 and 26, 1999, at 3801 East Marginal Way South, in the city of Seattle, King County, state of Washington. The violations are as follows:

On or about November 25, 1999, you caused or allowed NOx emissions from the main baghouse during normal operations in excess of 700 ppm for a one-hour average and 501 ppm for a 24-hour average, in violation of Condition No. 5(b); and NOx emissions from the main baghouse during startup in excess of 1000 ppm for a one-hour average, in violation of Condition No. 6(d).

As a result of the foregoing violations, a penalty is assessed against you as follows:

For the violation that occurred on or about the 25th day of November, 1999, wherein you caused or allowed excess Nox emissions in violation of Conditions No. 5(b) and 6(d) of Order of Approval for Notice of Construction No. 7381 of the Puget Sound Clean Air Agency, a penalty is assessed against you in the amount of six thousand dollars (\$ 6,000.00).

The full amount of this penalty is due and payable within thirty (30) days of receipt of this notice, unless within such time a request for hearing is filed. (See reverse side for both mitigation procedures and appeal procedures.)

In the event the full amount of this penalty is not paid on or before thirty (30) days of receipt of this notice, or a request for mitigation has not been made to this Agency, or a request for hearing has not been made to the Pollution Control Hearings Board of Washington and the Air Pollution Control Officer, action will be commenced in court to recover such penalty.

Dated this 30th day of July 2001.

Dennis J. McLerran  
Air Pollution Control Officer



by Mario Miller  
Supervising Inspector

  
8/10/01

Certified Mail No.7099 3220 0005 4517 5054



110 Union Street, Suite 500  
Seattle, Washington 98101

1- Sea 10/13/01  
Working Together For Clean Air

July 30, 2001

Certified Mail No. 7099 3220 0005 4517 5047

Ash Grove Cement Company  
c/o Henrik Voldbaek, Plant Manager  
3801 East Marginal Way South  
Seattle, WA 98134

**EXECUTIVE DIRECTOR**

Dennis J. McLerran

**BOARD OF DIRECTORS**

**SNOHOMISH COUNTY COUNCIL, CHAIR**

Dave Somers

**SEATTLE**

Paul Schell, Mayor

**KING COUNTY EXECUTIVE**

Ron Sims

**KITSAP COUNTY COMMISSIONER**

Jan Angel

**PIERCE COUNTY EXECUTIVE**

John Ladenburg

**EVERETT**

Edward D. Hansen, Mayor

**BREMERTON**

Lynn S. Horton, Mayor

**TACOMA**

Bill Evans, Councilman

**MEMBER AT LARGE**

Janet Chalupnik

Re: Notice and Order of Civil Penalty No. 9079 (amended)

Enclosed is Civil Penalty No. 9079 (amended) in the amount of \$6,000.00. This Civil Penalty was originally issued on August 18, 2000 in the amount of \$45,000.00. The amount owing has been reduced as a result of the reapproval and amendment of Order of Approval No. 7381, wherein a new 24-hour standard, 650 ppm, was established.

Within 30 days of receiving this penalty, you must do one of the following:

1. Pay the penalty;
2. Request mitigation of the penalty; or
3. Appeal the penalty to the Pollution Control Hearings Board.

Information regarding requesting mitigation or appealing the penalty is also enclosed.

Please feel free to contact me at (206) 689-4023 if you have any questions about this matter.

Sincerely,

Mario Miller  
Supervising Inspector

MAM/cmb  
Enclosures

Ph 206.343.8800

1.800.552.3565

Fax 206.343.7522

www.pscleanair.org

AGCS2M001357

**PUGET SOUND CLEAN AIR AGENCY**  
a municipal corporation of the state of Washington  
110 Union Street, Suite 500  
Seattle, Washington 98101-2038

VS

**ASH GROVE CEMENT COMPANY**  
c/o Henrik Voldbaek, Plant Manager  
3801 East Marginal Way South  
Seattle, Washington 98134

**NO. 9079 (amended)**

**NOTICE AND ORDER  
OF CIVIL PENALTY**

You are hereby notified that, pursuant to Chapter 70.94 RCW and Notice of Violation No. 36735, a copy of which has been previously provided to you or your agent, you have violated the Order of Approval for Notice of Construction No. 7381, Condition No. 5, of the Puget Sound Clean Air Agency in the following particulars:

On or about April 24th and 25th, 2000, at 3801 East Marginal Way South in the city of Seattle, King County, state of Washington, you caused or allowed emission of NOx from the main stack in excess of 650 ppm corrected to 10% O2 for a 24-hour average in violation of Condition No. 5.

As a result of the foregoing violations, a penalty is assessed against you as follows:

For the violations that occurred during April 2000, wherein you caused or allowed excess NOx emissions in violation of Order of Approval for Notice of Construction No. 7381, Condition No. 5 of the Puget Sound Clean Air Agency, a penalty is assessed against you in the amount of \$3,000.00 for each day of violation, for a total of six thousand dollars (\$6,000.00).

The full amount of this penalty is due and payable within thirty (30) days of receipt of this notice, unless within such time a request for hearing is filed. (See reverse side for both mitigation procedures and appeal procedures.)

In the event the full amount of this penalty is not paid on or before thirty (30) days of receipt of this notice, or a request for mitigation has not been made to this Agency, or a request for hearing has not been made to the Pollution Control Hearings Board of Washington and the Air Pollution Control Officer, action will be commenced in court to recover such penalty.

Dated this 30th day of July 2001.

Dennis J. McLerran  
Air Pollution Control Officer

*Mario Miller*

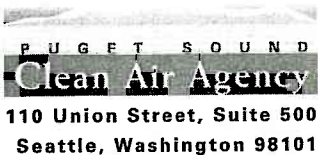
by Mario Miller  
Supervising Inspector

*OK*  
*[Signature]*  
*8/10/01*

Certified Mail No. 7099 3220 0005 4517 5047

AGCS2M001358





Working Together For Clean Air

12  
8/23/00

August 18, 2000

Certified Mail No. 7099 3220 0005 4517 1353

Ash Grove Cement Company  
c/o Henrik Voldbaek, Plant Manager  
3801 East Marginal Way South  
Seattle, WA 98134

EXECUTIVE DIRECTOR  
Dennis J. McLerran

BOARD OF DIRECTORS  
CITY OF SEATTLE, BOARD CHAIR  
Margaret Pageler

KING COUNTY EXECUTIVE  
Ron Sims

KITSAP COUNTY  
Charlotte Garrido, Commissioner

PIERCE COUNTY EXECUTIVE  
Doug Sutherland

SNOHOMISH COUNTY COUNCIL  
Dave Somers

EVERETT  
Edward D. Hansen, Mayor

BREMERTON  
Lynn S. Horton, Mayor

TACOMA  
Bill Evans, Councilman

MEMBER AT LARGE  
Janet Chalupnik

Re: Notice and Order of Civil Penalty No. 9079

Enclosed is Civil Penalty No. 9079 in the amount of \$45,000.00.

Within 30 days of receiving this penalty, you must do one of the following:

1. Pay the penalty;
2. Request mitigation of the penalty; or
3. Appeal the penalty to the Pollution Control Hearings Board.

Information regarding requesting mitigation or appealing the penalty is also enclosed.

Please feel free to contact me at (206) 689-4078 or 1-800-552-3565, ext. 4078 if you have any questions about this matter.

Sincerely,

Neal J. Shulman  
Manager-Inspection

NJS/kes  
Enclosures

Ph 206.343.8800

1.800.552.3565

Fax 206.343.7522

www.pscleanair.org

AGCS2M001359

**PUGET SOUND CLEAN AIR AGENCY**  
a municipal corporation of the state of Washington  
110 Union Street, Suite 500  
Seattle, Washington 98101-2038

VS

**ASH GROVE CEMENT COMPANY**  
c/o Henrik Voldbaek, Plant Manager  
3801 East Marginal Way South  
Seattle, Washington 98134

**NO. 9079**

**NOTICE AND ORDER  
OF CIVIL PENALTY**

You are hereby notified that, pursuant to Chapter 70.94 RCW and Notice of Violation No. 36735, a copy of which has been previously provided to you or your agent, you have violated the Order of Approval for Notice of Construction No. 7381, Condition No. 5, of the Puget Sound Clean Air Agency in the following particulars:

On or about April 1-3, 7, 8, 11, 12, 15-18, 23-25 and 30, 2000, at 3801 East Marginal Way South in the city of Seattle, King County, state of Washington, you caused or allowed emission of NOx from the main stack in excess of 501 ppm corrected to 10% O2 for a 24-hour average in violation of Condition No. 5.

As a result of the foregoing violations, a penalty is assessed against you as follows:

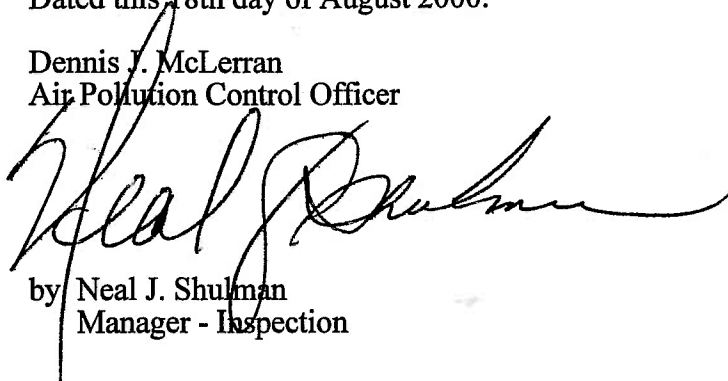
For the violations that occurred during April 2000, wherein you caused or allowed excess NOx emissions in violation of Order of Approval for Notice of Construction No. 7381, Condition No. 5 of the Puget Sound Clean Air Agency, a penalty is assessed against you in the amount of \$1,500.00 for each day of violation, for a total of forty five thousand dollars (\$45,000.00).

The full amount of this penalty is due and payable within thirty (30) days of receipt of this notice, unless within such time a request for hearing is filed. (See reverse side for both mitigation procedures and appeal procedures.)

In the event the full amount of this penalty is not paid on or before thirty (30) days of receipt of this notice, or a request for mitigation has not been made to this Agency, or a request for hearing has not been made to the Pollution Control Hearings Board of Washington and the Air Pollution Control Officer, action will be commenced in court to recover such penalty.

Dated this 18th day of August 2000.

Dennis J. McLerran  
Air Pollution Control Officer

  
by Neal J. Shulman  
Manager - Inspection

Certified Mail No. 7099 3220 0005 4517 1353

AGCS2M001360

110 Union Street, Suite 500, Seattle, Washington 98101-2038  
206-343-8800 / 1-800-552-3565 / Fax 206-343-7522

Registration No. 11339

Cert. Mail No. \_\_\_\_\_

No. 36735

7000 0520 0016 0711 2415

## NOTICE OF VIOLATION

Date of Violation: April

To 2000

at \_\_\_\_\_ m.

Name <u>Ash Grove Cement Co.</u>	Responsible Person, Title <u>Henrik Voldbaek Manager</u>		
Location of Violation (Address) <u>3801 E. Marginal Way So.</u>	City <u>Seattle</u>	Zip <u>98134</u>	County <u>King</u>
Mailing Address <u>As Above</u>	City, State <u>Seattle, WA.</u>	Zip <u>98134</u>	Phone <u>(206) 623-5596</u>

### DID UNLAWFULLY CAUSE OR ALLOW VIOLATION OF:

#### REGULATION \_\_\_\_\_ OF THE PUGET SOUND AIR POLLUTION CONTROL AGENCY FOR:

- ☐ Section 5.05(e) Failure to develop and implement an operation and maintenance plan.
- ☐ Section 6.03(a) Failure to obtain Notice of Construction approval prior to construction/installation/establishment of a source.
- ☐ Section 9.03(a) Visible emissions in excess of 20% opacity for periods aggregating more than 3 minutes/hour.
- ☐ Section 9.11(a) Emission of air contaminant in quantities/characteristics/duration so as to be injurious or interfere with enjoyment of life/property.
- ☐ Section 9.12(b) Emission of odor-bearing air contaminants without use of best available control technology.
- ☐ Section 9.15(a) Emission of fugitive dust without use of best available control technology.
- ☐ Section 9.15(b) Deposition of mud, dirt, or debris from vehicle or load onto a paved public roadway.
- ☐ Section 9.15(c) Emission of fugitive dust from manufacturing process equipment or control apparatus.
- ☐ Section 9.16 Failure to apply VOC-containing material using spray equipment in an enclosed area with filtered exhaust and vertical stack.
- ☐ Section 9.20 Failure to operate and maintain equipment in good working order.
- ☒ Failure to meet Order of Approval No. 7381, Condition No. 5(b)
- ☐ Section Emissions of NOx from the main stack shall not exceed 501 ppm corrected to 10% O2 for a 24 hr. Average
- ☐ Section \_\_\_\_\_

FACTS ALLEGED TO CONSTITUTE A VIOLATION Causing or allowing NOx emissions from the main stack in excess of the 24 hr standard on 4/1/00-4/3/00, 4/07/00-4/08/00, 4/11-12, 4/15-4/18, 4/23-4/25, and 4/30/00.

### CORRECTIVE ACTION ORDER

Under the provisions of Section 3.09 of Regulation I and RCW 70.94.211 you are ordered to submit a written report within ten (10) days of receipt of this Notice describing the necessary corrective action you have taken or propose to take, including a schedule, to achieve continuous compliance with the regulations, and take the following necessary corrective action:

Report the daily Supplemental Significance Threshold for each day of violation in the month of March 2, 2000 and the month of April 2000 pursuant to EPA's High Priority Violation CEM policy within 30 days of your receipt of this notice

AGCS2M001361

Issued By: [Signature]  
Air Pollution Inspector

Date/Time 6-21-00

Received By: [Signature]

Signing this Notice is not an admission of guilt



Seattle Plant

**facsimile**

TRANSMITTAL

to: Bob Vantuyl

Fax: OPK

re: NOx penalties

date: Wednesday, August 23, 2000

Number of pages: Including cover 4

New penalty - #9079

Disposition of penalty # 9053

From the desk of ...

**Gerald J. Brown, CSP**  
Manager Safety and Environmental  
Ash Grove Cement Company  
3801 E. Marginal Way So.  
Seattle, WA 98134

(206) 694-6221  
fax: (206) 623-5355

AGCS2M001362

*MS 5/11/00*

May 5, 2000

Ash Grove Cement West, Inc.  
c/o CT Corporation System  
520 Pike Street #2610  
Seattle, WA 98101

EXECUTIVE DIRECTOR  
Dennis J. McLerran

BOARD OF DIRECTORS  
CITY OF SEATTLE, BOARD CHAIR  
Margaret Pageler

KING COUNTY EXECUTIVE  
Ron Sims

KITSAP COUNTY  
Charlotte Garrido, Commissioner

PIERCE COUNTY EXECUTIVE  
Doug Sutherland

SNOHOMISH COUNTY COUNCIL  
Dave Somers

EVERETT  
Edward D. Hansen, Mayor

BREMERTON  
Lynn S. Horton, Mayor

TACOMA  
Brian Ebersole, Mayor

MEMBER AT LARGE  
Janet Chalupnik

Re: Ash Grove Cement West, Inc.  
Notice and Order of Civil Penalty No. 9053

Enclosed is Civil Penalty No. 9053 in the amount of \$10,000.00.

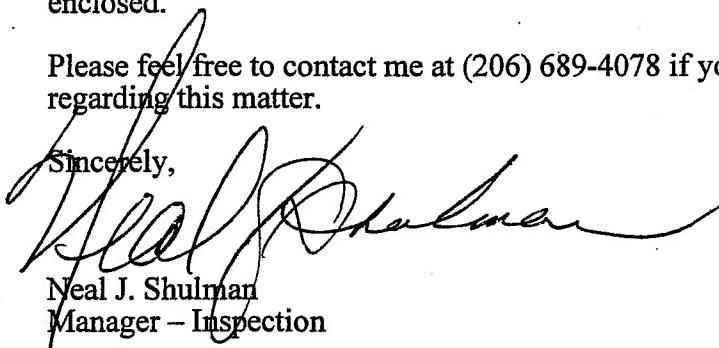
Within 30 days of receiving this penalty, you must do one of the following:

- 1) Pay the penalty;
- 2) Request mitigation of the penalty; or
- 3) Appeal the penalty to the Pollution Control Hearings Board.

Information regarding requesting mitigation or appealing the penalty is also enclosed.

Please feel free to contact me at (206) 689-4078 if you have any questions regarding this matter.

Sincerely,

  
Neal J. Shulman  
Manager - Inspection

NJS:kes  
Enclosures

cc: Henrik Voldbaek, Plant Manager  
Ash Grove Cement Co.  
3801 E Marginal Wy S  
Seattle, WA 98134



PUGET SOUND CLEAN AIR AGENCY  
a municipal corporation of the state of Washington  
110 Union Street, Suite 500 -  
Seattle, Washington 98101-2038

VS

ASH GROVE CEMENT WEST, INC.  
c/o CT Corporation System  
520 Pike Street #2610  
Seattle, Washington 98101

NO. 9053

NOTICE AND ORDER  
OF CIVIL PENALTY

You are hereby notified that, pursuant to Chapter 70.94 RCW and Notice of Violation No. 36687, a copy of which was previously provided to you or your agent, you caused or allowed violations of Condition Nos. 5(b) and 6(d) the Order of Approval for Notice of Construction No. 7381 of the Puget Sound Clean Air Agency. The violations occurred on or about November 25 and 26, 1999, at 3801 East Marginal Way South, in the city of Seattle, King County, state of Washington. The violations are as follows:

November 25, 1999

On or about November 25, 1999, you caused or allowed NOx emissions from the main baghouse during normal operations in excess of 700 ppm for a one-hour average and 501 ppm for a 24-hour average, in violation of Condition No. 5(b); and NOx emissions from the main baghouse during startup in excess of 1000 ppm for a one-hour average, in violation of Condition No. 6(d).

November 26, 1999

On or about November 26, 1999, you caused or allowed NOx emissions from the main baghouse during normal operations in excess of 700 ppm for a one-hour average and 501 ppm for a 24-hour average, in violation of Condition No. 5(b).

As a result of the foregoing violations, a penalty is assessed against you as follows:

For the violations that occurred on or about:

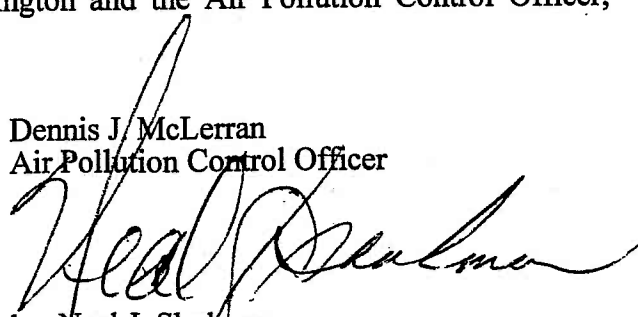
November 25, 1999	\$ 6,000.00
November 26, 1999	<u>4,000.00</u>
Total penalty	<b>\$10,000.00</b>

The full amount of this penalty is due and payable within thirty (30) days of receipt of this notice, unless within such time a request for hearing is filed. (See reverse side for both mitigation procedures and appeal procedures.)

In the event the full amount of this penalty is not paid on or before thirty (30) days of receipt of this notice, or a request for mitigation has not been made to this Agency, or a request for hearing has not been made to the Pollution Control Hearings Board of Washington and the Air Pollution Control Officer, action will be commenced in court to recover such penalty.

Dated this 5th day of May 2000.

Dennis J. McLerran  
Air Pollution Control Officer

  
by Neal J. Shulman  
Manager - Inspection

Certified Mail No. Z 580 039 053

AGCS2M001364

Working Together For Clean Air

June 22, 2000

Ash Grove Cement Company  
c/o Gerald Brown, Manager Safety and Environment  
3801 E Marginal Way S  
Seattle, WA 98134

**EXECUTIVE DIRECTOR**  
Dennis J. McLerran

**BOARD OF DIRECTORS**  
**CITY OF SEATTLE, BOARD CHAIR**  
Margaret Pageler

**KING COUNTY EXECUTIVE**  
Ron Sims

**KITSAP COUNTY**  
Charlotte Garrido, Commissioner

**PIERCE COUNTY EXECUTIVE**  
Doug Sutherland

**SNOHOMISH COUNTY COUNCIL**  
Dave Somers

**EVERETT**  
Edward D. Hansen, Mayor

**BREMERTON**  
Lynn S. Horton, Mayor

**TACOMA**  
Bill Evans, Councilman

**MEMBER AT LARGE**  
Janet Chalupnik

Re: Ash Grove Cement Company  
Application for Relief (Remission or Mitigation)  
Notice and Order of Civil Penalty No. 9053


Dear Mr. Brown:

On June 16, 2000, we received your request for mitigation for a meeting to discuss this civil penalty. We scheduled the meeting for July 10, 2000, at 1:00 p.m., at our office, 110 Union St., Suite 500 in Seattle. If this date and time are not acceptable to you, please contact Kim Sherman at (206) 689-4083, and a mutually agreeable date and time will be arranged.

We will evaluate your request for mitigation according to Section 3.11(c) of the agency's Regulation I. This regulation provides that a penalty will be mitigated only under extraordinary circumstances, such as your demonstration of factors we did not consider when we assessed the original penalty.

Your deadline to appeal the penalty is suspended until after the meeting and our review of the penalty. We will send you a letter entitled Notice of Disposition on Application for Relief from Penalty after our meeting. This letter will explain our decision regarding your request for mitigation. Once you receive this letter, you will have 30 days to settle, pay or appeal the penalty. We will send instructions regarding appealing the penalty with the letter. If you have any questions, please feel free to call me at (206) 689-4078.

Sincerely,

  
Neal J. Shulman  
Manager - Inspection

NJS:kes

cc: Laurie Halvorson, Agency Counsel  
Accounting  
Rick Hess, Lead Air Pollution Inspector  
Melissa McAfee, Air Pollution Inspector  
Elizabeth Gilpin, Air Pollution Inspector

Ph 206.343.8800

1.800.552.3565

Fax 206.343.7522

www.pscleanair.org

AGCS2M001365

# ASH GROVE CEMENT COMPANY



"WESTERN REGION"

June 9, 2000

Mr. Neal Shulman  
Puget Sound Clean Air Agency  
110 Union Street, Suite 500  
Seattle, WA. 98101

Re: Request for Mitigation, Notice and Order of Civil Penalty No. 9053

Dear Mr. Shulman:

Ash Grove Cement Co. requests mitigation for Notice and Order of Civil Penalty No. 9053. We have requested a meeting with PSCAA in order to discuss our current permitted emission limit for NOx. The information presented at the meeting will be relevant to this Notice and Order of Civil Penalty. A tentative date of June 26, 2000 has been proposed by PSCAA. Confirmation of this date by Ash Grove is pending affirmation of availability for key personnel.

Thank you for your consideration of this matter.

Yours truly,

Gerald J. Brown  
Manager Safety and Environment

Copy: Henrik Voldbaek

AGCS2M001366

July 28, 2000

Gerald J. Brown  
Ash Grove Cement Co.  
3801 E. Marginal Way S.  
Seattle, Washington 98134

**EXECUTIVE DIRECTOR**

Dennis J. McLerran

**BOARD OF DIRECTORS**

**CITY OF SEATTLE, BOARD CHAIR**

Margaret Pageler

**KING COUNTY EXECUTIVE**

Ron Sims

**KITSAP COUNTY**

Charlotte Garrido, Commissioner

**PIERCE COUNTY EXECUTIVE**

Doug Sutherland

**SNOHOMISH COUNTY COUNCIL**

Dave Somers

**EVERETT**

Edward D. Hansen, Mayor

**BREMERTON**

Lynn S. Horton, Mayor

**TACOMA**

Bill Evans, Councilman

**MEMBER AT LARGE**

Janet Chalupnik

Dear Mr. Brown:


Office Conference – Civil Penalty No. 9053

This is to acknowledge your request for a meeting to discuss the above referenced Civil Penalty, a meeting has been scheduled at our office (110 Union Street, Suite 500, in Seattle, Washington) at 2:00 p.m. on Tuesday, August 8, 2000.

If you wish us to consider any additional information regarding this matter, please submit it allowing us time for adequate review.

If this time and date is not acceptable to you, please contact me at (206) 689-4026 or Valerie Diggs at (206) 689-4048, and a mutually agreeable time and date will be arranged.

Sincerely,



Elizabeth M. Gilpin  
Air Pollution Inspector II

EMG:VJD

Ph 206.343.8800

1.800.552.3565

Fax 206.343.7522

www.pscleanair.org

AGCS2M001367

**PUGET SOUND CLEAN AIR AGENCY**  
a municipal corporation of the state of Washington  
110 Union Street, Suite 500  
Seattle, Washington 98101-2038

VS

**ASH GROVE CEMENT COMPANY**  
c/o C T Corporation System, Registered Agent  
520 Pike Street  
Seattle, Washington 98101

**NO. 9071**

**NOTICE AND ORDER  
OF CIVIL PENALTY**

You are hereby notified that, pursuant to Chapter 70.94 RCW and Notice of Violation No. 36690, a copy of which has been previously provided to you or your agent, you have violated Condition No. 5(b) of the Order of Approval for Notice of Construction No. 7381 of the Puget Sound Clean Air Agency in the following particulars:

On or about the 15th day of February 2000, at 3801 East Marginal Way South in the city of Seattle, King County, state of Washington, you caused or allowed NOx emissions from the main baghouse which exceeded 501 ppm corrected to 10% oxygen for a 24-hour average, in violation of Section Condition No. 5(b).

As a result of the foregoing violation, a penalty is assessed against you as follows:

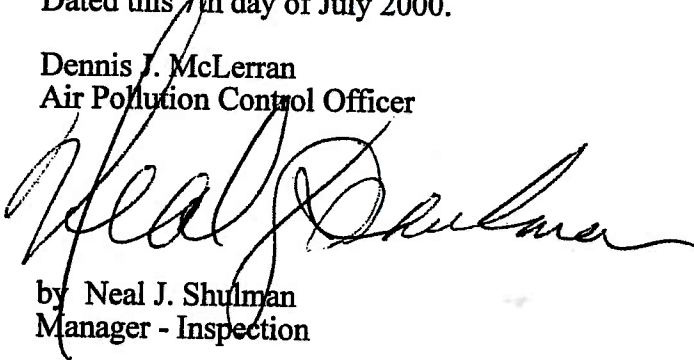
For the violation that occurred on or about the 15th day of February 2000, wherein you caused or allowed NOx emissions over the 24-hour standard, in violation of the Order of Approval for Notice of Construction No. 7381, Condition No. 5(b), of the Puget Sound Clean Air Agency, a penalty is assessed against you in the amount of three thousand dollars (\$3,000.00).

The full amount of this penalty is due and payable within thirty (30) days of receipt of this notice, unless within such time a request for hearing is filed. (See reverse side for both mitigation procedures and appeal procedures.)

In the event the full amount of this penalty is not paid on or before thirty (30) days of receipt of this notice, or a request for mitigation has not been made to this Agency, or a request for hearing has not been made to the Pollution Control Hearings Board of Washington and the Air Pollution Control Officer, action will be commenced in court to recover such penalty.

Dated this 7th day of July 2000.

Dennis J. McLerran  
Air Pollution Control Officer

  
by Neal J. Shulman  
Manager - Inspection

Certified Mail No. 7000 0520 0016 0711 4334

AGCS2M001368



110 Union Street, Suite 500, Seattle, Washington 98101-2038  
206-343-8800 / 1-800-552-3565 / Fax 206-343-7522

Registration No. 11339

Mail No. 2411596716

NO. **36690**

## NOTICE OF VIOLATION

Date of Violation: 02/15 192000 at \_\_\_\_\_ m.

Name  Ash Grove Cement Co.		Responsible Person, Title  Henrik Voldback, Mgr	
Location of Violation (Address)  3801 E Marginal Way So.	City  Seattle	Zip  98134	County  King
Mailing Address  As Above	City, State  Seattle, WA	Zip  98134-1113	Phone  206 623-5596

### DID UNLAWFULLY CAUSE OR ALLOW VIOLATION OF:

#### REGULATION \_\_\_\_\_ OF THE PUGET SOUND AIR POLLUTION CONTROL AGENCY FOR:

- ☐ Section 5.05(e) Failure to develop and implement an operation and maintenance plan.
- ☐ Section 6.03(a) Failure to obtain Notice of Construction approval prior to construction/installation/establishment of a source.
- ☐ Section 9.03(a) Visible emissions in excess of 20% opacity for periods aggregating more than 3 minutes/hour.
- ☐ Section 9.11(a) Emission of air contaminant in quantities/characteristics/duration so as to be injurious or interfere with enjoyment of life/property.
- ☐ Section 9.12(b) Emission of odor-bearing air contaminants without use of best available control technology.
- ☐ Section 9.15(a) Emission of fugitive dust without use of best available control technology.
- ☐ Section 9.15(b) Deposition of mud, dirt, or debris from vehicle or load onto a paved public roadway.
- ☐ Section 9.15(c) Emission of fugitive dust from manufacturing process equipment or control apparatus.
- ☐ Section 9.16 Failure to apply VOC-containing material using spray equipment in an enclosed area with filtered exhaust and vertical stack.
- ☐ Section 9.20 Failure to operate and maintain equipment in good working order.
- ☐ Failure to meet Order of Approval No. 7381, Condition No. 5(b)
- ☒ Section Emissions from the main baghouse shall not exceed 501 ppm NOx  
corrected to 10% O<sub>2</sub> for a 24 hr. Average
- ☐ Section \_\_\_\_\_

FACTS ALLEGED TO CONSTITUTE A VIOLATION Causing or Allowing the Emission of  
NOx in excess of the 501 ppm 24 hr. Standard on 02/15/00.

### CORRECTIVE ACTION ORDER

Under the provisions of Section 3.09 of Regulation I and RCW 70.94.211 you are ordered to **submit a written report within ten (10) days of receipt of this Notice** describing the necessary corrective action you have taken or propose to take, including a schedule, to achieve continuous compliance with the regulations, **and** take the following necessary corrective action:

Issued By: [Signature]  
Air Pollution Inspector  
Form No. 70-119 (Revised 12/95 cbc)

4.11.00  
Date/Time

Received By: \_\_\_\_\_  
Signing this Notice is not an admission of guilt

AGCS2M001369

# PUGET SOUND AIR POLLUTION CONTROL AGENCY

110 Union Street, Suite 500, Seattle, Washington 98101-2038

Fax: 206-343-7522

CERT # 411596716

Registration No. 11339

Case No. \_\_\_\_\_

## COMPLIANCE STATUS REPORT

Date of Report April 10<sup>th</sup>, 19 00 at \_\_\_\_\_ m.

Source Name Ash Grove Cement Co.	Responsible Person, Title Henrik Voldbaek Manager
Location 3801 E. Marginal Way So. Seattle, WA. 98134	

☐ No violations of PSAPCA's regulations were observed at the time of my inspection, with respect to the areas of the facility I inspected.

☒ During my inspection of your 2/2000 CEM report, I noted the following deficiencies:

Violations were reported as follows:

Date	Pollutant	Standard	Duration
2/01/00	NO <sub>x</sub>	NC 7381 #5(b) 501 ppm	24 hr.
2/02/00	NO <sub>x</sub>	NC 7381 #5(b) 700 ppm	1 hr.
2/28/00	NO <sub>x</sub>	NC 7381 #5(b) 501 ppm	24 hr.
2/05/00	Opacity/missing Data	RI 12.03 f(5) < 90%	Data Recovery
2/07/00	Opacity/missing Data	RI 12.03 f(5) < 90%	Data Recovery
2/08/00	"	"	"
2/06/00	"	"	"

OK per  
Report  
provided

These Violations will not be subject to penalty per 9/10/98 interim CEM policy which is not Board Approved And is subject to change.

Please submit a written report within ten (10) working days describing the necessary corrective action you have taken or propose to take, including a schedule, to address the above deficiencies.

Issued by: \_\_\_\_\_

Received by \_\_\_\_\_

Signing this is not an admission of guilt

110 Union Street, Suite 500, Seattle, Washington 98101-2038  
206-343-8800 / 1-800-552-3565 / Fax 206-343-7522

Registration No. 11339

Cert. Mail No. 7000-0520-0016

## NOTICE OF VIOLATION

No. 36734

Date of Violation: March

19 2000

at \_\_\_\_\_ m.

Name <u>Ash Grove Cement Co.</u>	Responsible Person, Title <u>Henrik Voldback Mgr.</u>		
Location of Violation (Address) <u>3801 E Marginal Wy So.</u>	City <u>Seattle</u>	Zip <u>98134</u>	County <u>King</u>
Mailing Address <u>As Above</u>	City, State <u>Seattle, WA.</u>	Zip <u>98134</u>	Phone <u>(206) 623-5596</u>

### DID UNLAWFULLY CAUSE OR ALLOW VIOLATION OF:

#### REGULATION \_\_\_\_\_ OF THE PUGET SOUND AIR POLLUTION CONTROL AGENCY FOR:

- ☐ Section 5.05(e) Failure to develop and implement an operation and maintenance plan.
- ☐ Section 6.03(a) Failure to obtain Notice of Construction approval prior to construction/installation/establishment of a source.
- ☐ Section 9.03(a) Visible emissions in excess of 20% opacity for periods aggregating more than 3 minutes/hour.
- ☐ Section 9.11(a) Emission of air contaminant in quantities/characteristics/duration so as to be injurious or interfere with enjoyment of life/property.
- ☐ Section 9.12(b) Emission of odor-bearing air contaminants without use of best available control technology.
- ☐ Section 9.15(a) Emission of fugitive dust without use of best available control technology.
- ☐ Section 9.15(b) Deposition of mud, dirt, or debris from vehicle or load onto a paved public roadway.
- ☐ Section 9.15(c) Emission of fugitive dust from manufacturing process equipment or control apparatus.
- ☐ Section 9.16 Failure to apply VOC-containing material using spray equipment in an enclosed area with filtered exhaust and vertical stack.
- ☐ Section 9.20 Failure to operate and maintain equipment in good working order.
- ☐ Failure to meet Order of Approval No. 7381, Condition No. 5(6)

- ☐ Section Emissions of NOx from the main stack shall not exceed 700 ppm corrected to 10% O2 for a 1 hr. Ave
- ☐ Section Emissions of NOx from the main stack shall not exceed 501 ppm corrected to 10% O2 for a 24 hr. Ave

FACTS ALLEGED TO CONSTITUTE A VIOLATION Causing or Allowing NOx emissions in excess of the 24 hr standard on 3/19/00, 3/20/00, 3/25/00, and 3/28/00

### CORRECTIVE ACTION ORDER

Under the provisions of Section 3.09 of Regulation I and RCW 70.94.211 you are ordered to submit a written report within ten (10) days of receipt of this Notice describing the necessary corrective action you have taken or propose to take, including a schedule, to achieve continuous compliance with the regulations, and take the following necessary corrective action:

Please Submit a Written Report within 30 days of your receipt of this notice demonstrating compliance with the NOx supplemental significance threshold of 9 lb./hr of NOx (Table 1 Enclosed) for the dates specified in this NOV

Issued By: [Signature]  
Air Pollution Inspector  
Form No. 70-119 (Revised 12/95 cbc)

5.24.00  
Date/Time [Signature]

Received By: \_\_\_\_\_  
Signing this Notice is not an admission of guilt

AGCS2M001371



# PUGET SOUND AIR POLLUTION CONTROL AGENCY

110 Union Street, Suite 500, Seattle, Washington 98101-2038

Fax: 206-343-7522

Registration No. 11339  
7000 0520 0016 0710 5295

Case No. \_\_\_\_\_]

## COMPLIANCE STATUS REPORT

Date of Report March, 19 2000 at \_\_\_\_\_ m.

Source Name <u>Ash Grove Cement Co.</u>	Responsible Person, Title <u>Henrik Voldback mgr.</u>
Location <u>3801 E Marginal Way So. Seattle, WA. 98134</u>	

☐ No violations of PSAPCA's regulations were observed at the time of my inspection, with respect to the areas of the facility I inspected.

☒ During my inspection I noted the following deficiencies:

Ash Grove caused or allowed the following violations as reported in the March 2000 CEM Report

<u>Date</u>	<u>Pollutant</u>	<u>Standard</u>	<u>Duration</u>
<u>3/21/00</u>	<u>NOX</u>	<u>NC 7381 #5(b) 501 ppm</u>	<u>24 hr. 24</u>
<u>3/29/00</u>	<u>NOX</u>	<u>"</u>	<u>24</u>
<u>3/23/00</u>	<u>NOX</u>	<u>NC 7381 #5(b) 700 ppm</u>	<u>2 hr. 2</u>
<u>3/28/00</u>	<u>NOX</u>	<u>"</u>	<u>3</u>
<u>3/30/00</u>	<u>NOX</u>	<u>"</u>	<u>1</u>
<u>3/19/00</u>	<u>NOX</u>	<u>NC 7381 #6(d) 1000 ppm</u>	<u>1 hr. 3</u>

These violations will not be subject to penalty per the 7/10/98 interim CEM policy which is not Board approved and is subject to change

Please submit a written report within ten (10) working days describing the necessary corrective action you have taken or propose to take, including a schedule, to address the above deficiencies.

Issued by: \_\_\_\_\_

Received by: \_\_\_\_\_

Signing this is not an admission of guilt

## CONTINUOUS EMISSION MONITORING CIVIL PENALTY POLICY

### Applicability

This worksheet shall be employed in making a recommendation for assessment of civil penalties for violations of Agency regulations or permits determined through continuous emission monitoring (CEM). This policy does not apply to violations of Article 12 of Regulation I.

Table I below contains specific criteria for assessing whether CEM violations are high priority because they are environmentally significant and are of concern to EPA. These criteria are intended to implement the draft EPA policy on High Priority Violations (July 1998) and should be interpreted in accordance with that draft EPA policy. Emission standard violations which meet the criteria contained in Table I and which have not been excused by PSAPCA under the criteria contained in WAC 173-400-107 shall be evaluated for civil penalty.

**Table 1 High Priority CEM Violations**

Violation	Standard Averaging Time	Supplemental Significance Threshold	% In Excess of Reference Limit		% of Time In Excess of Reference Limit
Gaseous Emission Standard (non-opacity standard)	≤ 24 hour averaging period	CO    23 lb./hr NOx   9 lb./hr SO <sub>2</sub> 9 lb./hr VOC    9 lb./hr	The applicable standard plus 15% or the applicable standard plus the supplemental significance threshold, whichever is more stringent	FOR	> 3% of the actual operating hours during the month
				OR	Any exceedance of the applicable standard for > 25% of the actual operating hours during the month
	> 24 hour averaging period		Any violation of the applicable standard		N/A
Opacity	1 hour average		The applicable standard plus 15%	FOR	> 3% of the actual operating hours during the month
	6 minute average		> 25% opacity, six minute average	FOR	> 3% of the actual operating hours during the month

Generally, the Agency will not issue civil penalties for emission standard violations which are not High Priority Violations as defined in Table I. However, the Agency reserves the right to issue civil penalties for emission standard violations that may not meet the High Priority Violation criteria contained in Table I, but represent chronic emission standard violations or violations which the Agency believes are environmentally significant.



Source: \_\_\_\_\_

Case No: \_\_\_\_\_ NOV No: \_\_\_\_\_

The following procedure shall be employed in making a recommendation for assessment of civil penalties for violations of Agency regulations or permits determined through continuous emission monitoring. Guidance for answering the questions in Table I is on the back of this sheet. This procedure results in a penalty calculation for all the violations occurring on each calendar day. Civil penalties involving demonstrable economic benefit to the violator shall include both a gravity and a benefit component and shall be determined by adding the dollar amount from Table II below and the calculated economic benefit. No gravity component will be assessed if the rating from the gravity criteria is less than or equal to zero.

Table I  
Gravity Criteria

	Daily Score
1. How far were the emissions above the standard?	_____
2. How many hours in the day was the source in violation?	_____
3. On how many days during the month was the source in violation?	_____
4. Were immediate steps taken in an attempt to correct the violation?	_____
5. Were appropriate measures taken to prevent future violations?	_____
6. Did the violator have an economic incentive to violate?	_____
Total Gravity Criteria Rating	_____

Table II  
Gravity Component Penalty

Rating: $\leq 0$	1-4	5-7	8-9	10	11	12	13	14	15	16	17	18
Penalty: 0	1,000	2,000	3,000	4,000	5,000	6,000	7,000	8,000	9,000	10,000	11,000	11,997

Benefit Component Penalty

If there was a net economic benefit to the violator the calculated dollar amount of the economic benefit is

\$\_\_\_\_\_ (attach calculations).

Comments:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_

Evaluator: \_\_\_\_\_ Date: \_\_\_\_\_ Civil Penalty Recommendation: \$\_\_\_\_\_

Checked By: \_\_\_\_\_ Date: \_\_\_\_\_

1. *How far were the emissions above the standard?* (Use the highest value recorded on that day.)

<u>Maximum Percent Above the Emission Standard</u>	<u>Daily Score</u>
1% - 25%	0
26% - 50%	1
51% - 75%	2
76% - 100%	3
> 100%	4

2. *How many hours in the day was the source in violation?* (Violations of the same standard not excused within 30 days, at the same source, regardless of cause.)

<u>Number of Hours of Violation</u>	<u>Daily Score</u>
1	0
2 - 3	1
4 - 6	2
7 - 9	3
10 - 12	4
> 12	5

3. *On how many days during the month was the source in violation?* (Violations of the same standard not excused within 30 days, at the same source, regardless of cause.)

<u>Days In Violation During The Month</u>	<u>Daily Score</u>
1 - 2 days	0
3 - 5 days	1
6 - 10 days	2
> 10 days	3

4. *Were immediate steps taken in an attempt to correct the violation?* (Immediate means as soon as the source knew or should have known of the violation.)

<u>Immediate Corrective Action</u>	<u>Daily Score</u>
Yes	-2
Unsure or Infeasible	0
No	2

5. *Were appropriate measures taken to prevent future violations?* (Appropriate measures could include updating the O&M plan, operator training, purchasing spare parts, design improvements, or other appropriate actions.)

<u>Appropriate Preventive Measures</u>	<u>Daily Score</u>
Yes	-2
Unsure or Infeasible	0
No	2

6. *Did the violator have an economic incentive to violate?*

<u>Economic Incentive to Violate</u>	<u>Daily Score</u>
No	0
Probably	1
Definitely	2

Registration No. 11339

Mail No. 2580038889

No. **36727**

## NOTICE OF VIOLATION

Date of Violation: ~~May 13~~ March

19 99 <sup>See below for</sup>  
<sup>specific dates</sup>

Name	Responsible Person, Title		
Ash Grove Cement Co.	Henrik Voldbaek Manager		
Location of Violation (Address)	City	Zip	County
3801 E Marginal Way So.	Seattle	98134	King
Mailing Address	City, State	Zip	Phone
As Above	Seattle, WA	98134	206 623 - 5596

### DID UNLAWFULLY CAUSE OR ALLOW VIOLATION OF:

REGULATION \_\_\_\_\_ OF THE PUGET SOUND AIR POLLUTION CONTROL AGENCY FOR:

- ☐ Section 5.05(e) Failure to develop and implement an operation and maintenance plan.
- ☐ Section 6.03(a) Failure to obtain Notice of Construction approval prior to construction/installation/establishment of a source.
- ☐ Section 9.03(a) Visible emissions in excess of 20% opacity for periods aggregating more than 3 minutes/hour.
- ☐ Section 9.11(a) Emission of air contaminant in quantities/characteristics/duration so as to be injurious or interfere with enjoyment of life/property.
- ☐ Section 9.12(b) Emission of odor-bearing air contaminants without use of best available control technology.
- ☐ Section 9.15(a) Emission of fugitive dust without use of best available control technology.
- ☐ Section 9.15(b) Deposition of mud, dirt, or debris from vehicle or load onto a paved public roadway.
- ☐ Section 9.15(c) Emission of fugitive dust from manufacturing process equipment or control apparatus.
- ☐ Section 9.16 Failure to apply VOC-containing material using spray equipment in an enclosed area with filtered exhaust and vertical stack.
- ☒ Section 9.20 Failure to operate and maintain equipment in good working order.
- ☐ Failure to meet Order of Approval No. 7381, Condition No. 5(b)

- ☐ Section main stack emissions of NOx not to exceed 700 ppm corrected to 10% O<sub>2</sub> 1 hr Ave
- ☐ Section main stack emissions not to exceed 501 ppm corrected to 10% O<sub>2</sub> NOX 24 hr Ave

FACTS ALLEGED TO CONSTITUTE A VIOLATION The following dates for NOX  
Violations were reported in your March 1999 CEM report  
3/3/99, 3/4/99, 3/5/99, 3/6/99, 3/8/99, 3/12/99

### CORRECTIVE ACTION ORDER

Under the provisions of Section 3.09 of Regulation I and RCW 70.94.211 you are ordered to submit a written report within ten (10) days of receipt of this Notice describing the necessary corrective action you have taken or propose to take, including a schedule, to achieve continuous compliance with the regulations, and take the following necessary corrective action:

Issued By: Elizabeth Giff

Air Pollution Inspector

5-28-99  
Date/Time

Received By: \_\_\_\_\_

Signing this Notice is not an admission of guilt

# ASH GROVE CEMENT COMPANY



"WESTERN REGION"

June 11, 1999

Elizabeth Gilpin  
Puget Sound Air Pollution Control Agency  
110 Union Street, Suite 500  
Seattle WA 98101-2038

Dear Ms. Gilpin:

**Re: Notice of Violation # 36727**

The following is further information as you requested on the excess NO<sub>x</sub> emissions reported in our CEM from March 1998. We hope this is adequate.

**NO<sub>x</sub> Emissions:**

**March 3,4,5,6,8 1999:**

As reported, there was difficulty controlling the powdered coal feeder. This caused the kiln to control in an unstable fashion. The operator reduced the NO<sub>x</sub> by stabilizing the kiln and controlling the draft. To prevent/diminish future recurrences, the feeder is underwent major maintenance during our kiln March outage. Over the years, normal wear has deteriorated the performance requiring all the internals to be replaced. A representative from the manufacturer was on site during the rebuild to evaluate our system and make recommendations to aid in better maintenance and operations.

During the previous year several problems arose with the operation of our powdered fuel feeders. Erratic flow was noted both to and out of the feeders. This caused us numerous operational problems. Controlling NO<sub>x</sub> during the operation of a cement kiln requires maintaining the kiln fuel and feed in a stable fashion. If there are inconsistencies in the fuel, two situations could arise. If there is a loss of coal, the oxygen in the system will rise, causing the NO<sub>x</sub> to rise temporarily. Soon, however the burning zone will cool off lowering the NO<sub>x</sub>, but requiring more fuel to be added to maintain stable operation. The kiln is thus put into a cycle of increasing and decreasing NO<sub>x</sub>. If the feed rate is inconsistent, safety dictates that we must run with a slightly elevated oxygen level to prevent the presence of combustibles in the system. This also creates an elevated NO<sub>x</sub> level.

During the year, we identified several problems with the feeders. There was excessive wear on the machined internals. This was causing inconstant flow out of the feeders. At the time, these were re-machined. This alleviated the problem only slightly. New internal parts were ordered and these were installed during our kiln outage the last half of March. Inconsistent material flow to the feeder was identified as a problem. This was due primarily to buildup in the feed bin. This was also alleviated during the outage. Based on the recommendations of the manufacturer, we changed the operation of the bin agitator and repaired the aeration nozzles.

With the modifications listed above, we have seen a remarkable change in the consistency of the powdered fuel fed to the kiln. Since the March outage, there have been no more exceedences of the NO<sub>x</sub> limit due to inconsistent operation of the feeders. The feeders will receive yearly maintenance during our planned annual kiln outages to maintain its current level of operation.

**AGCS2M001377**

# ASH GROVE CEMENT COMPANY



NOV #36727

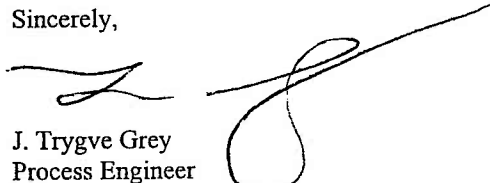
"WESTERN REGION"

March 12 1999:

As reported, the kiln was switched over to gas from coal. This was to prepare for our kiln maintenance outage. To perform the maintenance required on our powdered coal feeder, we had to empty the powdered fuel bin and clean it out before the kiln was actually shut down. We switched to gas at 05:00 on 3/12. The switch of fuels created instability in the kiln and caused the higher NO<sub>x</sub>. The operator reduced the NO<sub>x</sub> by stabilizing the kiln and controlling the draft. This incident should be excused from penalty under WAC 173-400-107(5). This was not caused by poor design, operation or maintenance. The maintenance could not have been scheduled at a better time. As has been detailed earlier in this report we were experiencing numerous operational problems with the feeders and it was absolutely necessary to perform the maintenance to permit smooth operation and prevent future problems with emissions.

A few actions were taken that working together should alleviate the situation above. As described in the explanation for the violations earlier in the month, there was inconsistent feed coming out of the feed bin. This was worsened if the level of coal was too low or too high in the bin. This would limit the amount of time we could perform routine maintenance on the coal mills without affecting the operation of the kiln. By affecting the changes to the system described above, we have eliminated the need of maintaining an exact bin level. We have set up a weekly maintenance program for the coal mills. Through better maintenance of the coal mills, we expect to see a dramatic reduction on the number of times we need to switch fuels on short notice.

Sincerely,

  
J. Trygve Grey  
Process Engineer

AGCS2M001378



110 Union Street, Suite 500, Seattle, Washington 98101-2038

206-343-8800 / 1-800-552-3565 / Fax 206-343-7522

Registration No. 11339  
Cert. Mail No. 2334353507

No. 36232

## NOTICE OF VIOLATION

Date of Violation: 4-19, 19 97 at \_\_\_\_\_ m.

Name <u>Ash Grove Cement Co.</u>		Responsible Person, Title <u>Henrik Voldbaek, Mgr</u>	
Location of Violation (Address) <u>3801 E. Marginal Wy S</u>	City <u>Seattle</u>	Zip <u>98134</u>	County <u>KING</u>
Mailing Address <u>Same</u>	City, State <u>, WA</u>	Zip	Phone <u>623-5596</u>

### DID UNLAWFULLY CAUSE OR ALLOW VIOLATION OF:

REGULATION \_\_\_\_\_ OF THE PUGET SOUND AIR POLLUTION CONTROL AGENCY FOR:

- ☐ Section 5.05(e) Failure to develop and implement an operation and maintenance plan.
- ☐ Section 6.03(a) Failure to obtain Notice of Construction approval prior to construction/installation/establishment of a source.
- ☐ Section 9.03(a) Visible emissions in excess of 20% opacity for periods aggregating more than 3 minutes/hour.
- ☐ Section 9.11(a) Emission of air contaminant in quantities/characteristics/duration so as to be injurious or interfere with enjoyment of life/property.
- ☐ Section 9.12(b) Emission of odor-bearing air contaminants without use of best available control technology.
- ☐ Section 9.15(a) Emission of fugitive dust without use of best available control technology.
- ☐ Section 9.15(b) Deposition of mud, dirt, or debris from vehicle or load onto a paved public roadway.
- ☐ Section 9.15(c) Emission of fugitive dust from manufacturing process equipment or control apparatus.
- ☐ Section 9.16 Failure to apply VOC-containing material using spray equipment in an enclosed area with filtered exhaust and vertical stack.
- ☐ Section 9.20 Failure to operate and maintain equipment in good working order.
- ☒ Failure to meet Order of Approval No. 5730, Condition No. 6B NOx emissions > 700ppm  
at 10% oxygen, 1 hr average
- ☐ Section \_\_\_\_\_

FACTS ALLEGED TO CONSTITUTE A VIOLATION

April 1997 CEM Report

### CORRECTIVE ACTION ORDER

Under the provisions of Section 3.09 of Regulation I and RCW 70.94.211 you are ordered to submit a written report within ten (10) days of receipt of this Notice describing the necessary corrective action you have taken or propose to take, including a schedule, to achieve continuous compliance with the regulations, and take the following necessary corrective action:

[Signature]

Issued By: [Signature]  
Air Pollution Inspector

Date/Time 6/5/97

Received By: \_\_\_\_\_

AGCS2M001379

Signing this Notice is not an admission of guilt